IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

W.A. No.1371 of 2006
and
M.P.No.1 of 2006

C.Rajkumar .. Appellant
(Petitiner in WP 34312/2006)

-vs-

1.State of Tamil Nadu, rep. by its
Secretary to Government,
Transport and Highways Department,
Fort St.George,
Chennai 9.

2.Tamil Nadu State Transport Corporation Ltd.,
rep. by its Managing Director,
Coimbatore Division-II,
Erode District at Erode.

3.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division-II,
Erode District at Erode. .. Respondents
(Respondent in -do-)

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Writ Appeal filed under Clause 15 of Letters Patent against the order made in W.P.No.34312 of 2006, dated 20.09.2006.

For Appellants : Mr.K.Premkumar
For Respondents : Mr.P.Subramanian,G.A. For R1
Mr.G.Sankaran, Spl.G.P. For R2,R3.

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J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 20.09.2006 made in W.P.No.34312 of 2006.

2. The appellant herein, the writ petitioner has approached this Court to issue a writ of mandamus to give preference to him in the employment as Driver in the second respondent Corporation in compliance of Sec.25-H of the Industrial Disputes Act on the orders passed in W.A.No.2985 of 2003 etc., batch dated 08.12.2005 and G.O.Ms.No.41 Transport Department dated 13.07.2006, before appointing new persons either by fresh recruitment or otherwise.

3. The learned single Judge by the impugned order dated 20.09.2006 after finding that the petitioner was denied employment in the year 2002 and has made a representation only on 08.09.2006 claiming benefit in terms of G.O.Ms.No.41 dated 13.07.2006 which cannot be permitted, dismissed his writ petition. Questioning the said order, the present writ appeal is filed.

4. Even at the admission stage, we heard the counsel appearing for respondents. The relief as claimed in the writ petition cannot be granted. However, in view of the order of the Division Bench in W.A.No.2985 of 2003 etc., dated 08.12.2005 and the consequential order of the Government in G.O.Ms.No.41 Transport Department dated 13.07.2006, we are of the view that ends of justice would be met by directing the second respondent - the Managing Director, Coimbatore Division-II, Erode District at Erode, to consider and dispose of the said representation of the petitioner dated 08.09.2006 in accordance with law as per G.O.Ms.No.41 Transport Department, dated 13.07.2006 if the petitioner otherwise satisfies the conditions imposed therein, within a period of eight weeks from the date of receipt of a copy of this order. To this extent, the order of the learned single Judge dated 20.09.2006 made in W.P.No.34312 of 2006 is modified and the writ appeal is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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gms

To

1. The Secretary to Government,
State of Tamil Nadu,
Transport and Highways Department,
Fort St.George, Chennai 9.

2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division-II,
Erode District at Erode.

3. The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division-II,
Erode District at Erode.

+1cc to Mr.K.Premkumar, Advocate Sr 53192
+1cc to the Govt. Pleder Sr 53150

JRG (CO)
km/16.11.

W.A.No.1371 of 2006

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